

REMARKS

1. Status of the Application

Claims 1–25 were originally pending in the application. Claims 1 and 2 were cancelled, and new claim 26 was added. Therefore, claims 3-26 remain at issue in the current application.

Claims 1, 4, 5, 7-10, 12-15 and 23-25 stand rejected under 35 U.S.C. §102(b) as being anticipated by an article by Roberts et al. (Micro-Opto-Electro-Mechanical Systems). In order for a reference to act as a §102 bar to patentability, the reference must teach each and every element of the claimed invention. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771 (Fed. Cir. 1983). Without the required teaching of “each and every element” as set forth in the claims, it is improper to maintain such rejections under §102(b). Roberts et al. do not teach each and every element of the claimed invention, as amended, and thus fails as an anticipatory reference.

Initially, claim 1 was cancelled. In addition, it is noted that claims 2, 3, 6, 11 and 16-22 are objected to as being dependent upon a rejected base claim, but would be allowable if re-written in independent form to include all of the limitations of the base claim and any intervening claim. Applicants amended claim 3 to independent form, and therefore, claim 3 is now in condition for allowance. Additionally, Applicants submit that since claims 4-15 and new claim 26 ultimately depend from claim 3 and include all of its limitations, claims 4-15 should likewise be considered allowable.

Claims 23 and 25 are amended to include the limitation of the optical wavelengths being formed as an integrated channel guide formed in dielectric materials and surrounded by a cladding of restricted lateral dimensions. This limitation is not taught by the article of Roberts et al. Therefore, Applicants respectfully submit that claim 23, its dependent claim 24, and claim 25 are likewise considered allowable.

Conclusion

In view of the arguments presented above, Applicants respectfully submit that Claims 3-26 are now in condition for allowance, and such action is respectfully requested.

Please charge any fees to Deposit Account No. 23-0280.

Respectfully submitted,

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